

# **JOURNAL OF THE SENATE**

## **NINETY-FIRST SESSION**

---

EIGHTEENTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Tuesday, February 9, 2016

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. J. P. Mosley, Jr., followed by the Pledge of Allegiance led by Senate page Katherine Bogue.

Roll Call: All members present except Sen. Omdahl who was excused.

### **APPROVAL OF THE JOURNAL**

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the seventeenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Gary Cammack, Chair

Which motion prevailed.

**COMMUNICATIONS AND PETITIONS**

December 11, 2015

The Honorable Matt Michels  
President of the Senate  
State Capitol  
Pierre, SD 57501

Dear President and Members of the Senate:

Pursuant to the provisions of 40-18 of the South Dakota Codified Laws and subject to your consent, I have the honor to inform you that I have reappointed Wanda J. Blair, Meade County, Vale, South Dakota, to the State Brand Board.

This appointment is effective January 5, 2016, and shall continue until January 4, 2019.

Sincerely,  
Dennis Daugaard  
Governor

The President announced the referral of the appointment to the Committee on Agriculture and Natural Resources.

February 9, 2016

Mr. President and Members of the Senate:

I have the honor to inform you that on February 8, 2016, I approved Senate Bills 32, 37, 40, and 41, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,  
Dennis Daugaard  
Governor

**REPORTS OF STANDING COMMITTEES**

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that SB 29 and 35 were delivered to his Excellency, the Governor, for his approval at 9:35 a.m., February 9, 2016.

Respectfully submitted,  
Gary Cammack, Chair

1 Also MR. PRESIDENT:

2 The Committee on Judiciary respectfully reports that it has had under consideration SB 130  
3 and returns the same with the recommendation that said bill do pass.

4 Also MR. PRESIDENT:

5 The Committee on Judiciary respectfully reports that it has had under consideration SJR 1  
6 and SB 119 which were deferred to the 41<sup>st</sup> Legislative Day.

7 Respectfully submitted,  
8 Craig Tieszen, Chair

9 Also MR. PRESIDENT:

10 The Joint Committee on Appropriations respectfully reports that it has had under  
11 consideration SB 120 and returns the same with the recommendation that said bill be amended  
12 as follows:

13 120na

14 On page 1, after line 13 of the printed bill, insert:

15 " Section 4. Whereas, this Act is necessary for the support of the state government and its  
16 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in  
17 full force and effect from and after its passage and approval.".

18 120nta

19 On page 1, line 3, of the printed bill, after "program" insert "and to declare an emergency".

20 And that as so amended said bill do pass.

21 Respectfully submitted,  
22 Deb Peters, Co-Chair

23 Also MR. PRESIDENT:

24 The Committee on Education respectfully reports that it has had under consideration  
25 SB 159 and returns the same with the recommendation that said bill be amended as follows:

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- On page 1, line 6, of the printed bill, delete "or" and insert "of".
- On page 1, line 9, delete "ninety" and insert "eighty-two and five-tenths".
- On page 3, line 17, after "company" insert "on the annual premium tax return".
- On page 3, line 18, delete "any" and insert "the previous".
- On page 3, line 24, delete everything after "claimed" and insert "on annual premium tax returns pursuant to this Act may not exceed two million dollars in fiscal year 2017 and each year thereafter.".
- On page 4, delete lines 1 to 8, inclusive.
- On page 4, line 11, delete "Notify" and insert "Annually notify".
- On page 5, line 5, after "year" delete ";" and insert ". Contributions that are not carried forward shall be remitted to the division;".
- On page 5, line 16, delete "December" and insert "March".
- On page 5, line 18, delete "fiscal" and insert "calendar".
- On page 5, line 20, after "received" insert "from each company".
- On page 6, between lines 1 and 2, insert:
- "
- (11) Any donation received that is not awarded a tax credit pursuant to section 2 of this Act is not subject to subdivisions (5) through (7), inclusive of this section."
- On page 7, line 14, after "." insert "The scholarship granting organization shall report to the division the name of the insurance company, date, and amount for each contribution received from an insurance company seeking a tax credit pursuant to section 2 of this Act within thirty days of the date of the contribution."
- On page 7, line 24, after "claimed" delete "in fiscal year 2017" and insert "on the annual premium tax return filed in 2017".
- And that as so amended said bill do pass.

Respectfully submitted,  
Deb Soholt, Chair

1 Also MR. PRESIDENT:

2 The Committee on Agriculture and Natural Resources respectfully reports that it has had  
3 under consideration SB 107 and returns the same with the recommendation that said bill do  
4 pass.

5 Also MR. PRESIDENT:

6 The Committee on Agriculture and Natural Resources respectfully reports that it has had  
7 under consideration HB 1011 and returns the same with the recommendation that said bill do  
8 pass and be placed on the consent calendar.

9 Also MR. PRESIDENT:

10 The Committee on Agriculture and Natural Resources respectfully reports that it has had  
11 under consideration SB 78 which was deferred to the 41<sup>st</sup> Legislative Day.

12 Respectfully submitted,  
13 Gary Cammack, Chair

14 Also MR. PRESIDENT:

15 The Committee on Commerce and Energy respectfully reports that it has had under  
16 consideration HB 1084 and returns the same with the recommendation that said bill do pass.

17 Also MR. PRESIDENT:

18 The Committee on Commerce and Energy respectfully reports that it has had under  
19 consideration HB 1031 and returns the same with the recommendation that said bill do pass and  
20 be placed on the consent calendar.

21 Also MR. PRESIDENT:

22 The Committee on Commerce and Energy respectfully reports that it has had under  
23 consideration SB 134 which was deferred to the 41<sup>st</sup> Legislative Day.

24 Respectfully submitted,  
25 R. Blake Curd, Chair

**MESSAGES FROM THE HOUSE**

MR. PRESIDENT:

I have the honor to return herewith SB 20 which has been amended by the House and your concurrence in the amendments is respectfully requested.

Also MR. PRESIDENT:

I have the honor to inform your honorable body that the House has concurred in Senate amendments to HB 1058.

Also MR. PRESIDENT:

I have the honor to transmit herewith HB 1083, 1102, 1105, 1107, 1120, 1129, 1150, and 1210 which have passed the House and your favorable consideration is respectfully requested.

Also MR. PRESIDENT:

I have the honor to transmit herewith HCR 1008 and 1009 which have been adopted by the House and your concurrence is respectfully requested.

Respectfully,  
Arlene Kvislen, Chief Clerk

**MOTIONS AND RESOLUTIONS**

HCR 1008: A CONCURRENT RESOLUTION, Urging Congress to support and to ask the United States Secretary of State to approve the Keystone XL Pipeline project.

Was read the first time, the President waived the referral to committee, and placed HCR 1008 on the calendar of Wednesday, February 10<sup>th</sup>, the 19<sup>th</sup> legislative day.

HCR 1009: A CONCURRENT RESOLUTION, Expressing the right of South Dakotans to own and use firearms.

Was read the first time and referred to the Committee on Judiciary.

1 Sen. Brown moved that HB 1098 be placed to follow HB 1063 on today's calendar.

2 Which motion prevailed.

3 **CONSIDERATION OF REPORTS OF COMMITTEES**

4 Sen. Brown moved that the reports of the Standing Committees on

5 State Affairs on SB 104 as found on page 244 of the Senate Journal; also

6 Health and Human Services on SB 138 as found on page 245 of the Senate Journal; also

7 Transportation on SB 66 as found on page 242 of the Senate Journal be adopted.

8 Which motion prevailed.

9 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

10 The President declared that SB 167 was withdrawn at the request of the prime sponsor  
11 pursuant to Joint Rule 6B-1.1.

12 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

13 HB 1083: FOR AN ACT ENTITLED, An Act to change the taxation method used in the  
14 sale of certain off-road vehicles and require that the sale of these vehicles be by licensed vehicle  
15 dealers.

16 Was read the first time and referred to the Committee on Taxation.

17 HB 1102: FOR AN ACT ENTITLED, An Act to allow for additional time to review certain  
18 competitive sealed bids.

19 Was read the first time and referred to the Committee on Local Government.

20 HB 1105: FOR AN ACT ENTITLED, An Act to give the court discretion to grant a  
21 continuance of a protection order in certain situations.

22 Was read the first time and referred to the Committee on Judiciary.

1 HB 1107: FOR AN ACT ENTITLED, An Act to ensure government nondiscrimination in  
2 matters of religious beliefs and moral convictions.

3 Was read the first time and referred to the Committee on Judiciary.

4 HB 1120: FOR AN ACT ENTITLED, An Act to revise the definition of agricultural  
5 purposes used for the administration of the sales tax.

6 Was read the first time and referred to the Committee on Agriculture and Natural  
7 Resources.

8 HB 1129: FOR AN ACT ENTITLED, An Act to allow a concealed pistol in the capitol and  
9 any county courthouse with an enhanced concealed pistol permit.

10 Was read the first time and referred to the Committee on Judiciary.

11 HB 1150: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the  
12 property tax exemption provided to local industrial development corporations.

13 Was read the first time and referred to the Committee on Taxation.

14 HB 1210: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding on-  
15 sale alcoholic beverage licenses for municipal auditoriums and convention halls and to declare  
16 an emergency.

17 Was read the first time and referred to the Committee on Commerce and Energy.

18 **SECOND READING OF CONSENT CALENDAR ITEMS**

19 SB 91: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the  
20 information on the forms provided to persons who sign initiated constitutional amendments,  
21 referred laws, or initiated measures.

22 Was read the second time.

23 The question being "Shall SB 91 pass as amended?"

24 And the roll being called:

25 Yeas 34, Nays 0, Excused 1, Absent 0



1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield  
3 (Brock); Haggard (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);  
4 Jensen (Phil); Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim);  
5 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;  
6 White

7 Excused:

8 Omdahl

9 So the bill having received an affirmative vote of a majority of the members-elect, the  
10 President declared the bill passed and the title was agreed to.

11 HB 1066: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
12 public notice for a meeting of a public body.

13 Was read the second time.

14 The question being "Shall HB 1066 pass as amended?"

15 And the roll being called:

16 Yeas 34, Nays 0, Excused 1, Absent 0

17 Yeas:

18 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield  
19 (Brock); Haggard (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);  
20 Jensen (Phil); Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim);  
21 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;  
22 White

23 Excused:

24 Omdahl

25 So the bill having received an affirmative vote of a majority of the members-elect, the  
26 President declared the bill passed and the title was agreed to.

27 HB 1100: FOR AN ACT ENTITLED, An Act to set a minimum size for a sign about  
28 zoning changes or conditional use permits.

29 Was read the second time.

30 The question being "Shall HB 1100 pass?"

31 And the roll being called:

1 Yeas 34, Nays 0, Excused 1, Absent 0

2 Yeas:

3 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield  
4 (Brock); Haggart (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);  
5 Jensen (Phil); Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim);  
6 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;  
7 White

8 Excused:

9 Omdahl

10 So the bill having received an affirmative vote of a majority of the members-elect, the  
11 President declared the bill passed and the title was agreed to.

12 HB 1103: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
13 qualification process for municipal office.

14 Was read the second time.

15 The question being "Shall HB 1103 pass?"

16 And the roll being called:

17 Yeas 34, Nays 0, Excused 1, Absent 0

18 Yeas:

19 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield  
20 (Brock); Haggart (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);  
21 Jensen (Phil); Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim);  
22 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;  
23 White

24 Excused:

25 Omdahl

26 So the bill having received an affirmative vote of a majority of the members-elect, the  
27 President declared the bill passed and the title was agreed to.

28 HB 1039: FOR AN ACT ENTITLED, An Act to revise various trust and trust company  
29 provisions and to establish and regulate South Dakota special spousal trusts.

30 Was read the second time.

31 The question being "Shall HB 1039 pass as amended?"

1 And the roll being called:

2 Yeas 34, Nays 0, Excused 1, Absent 0

3 Yeas:

4 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield  
5 (Brock); Hagggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);  
6 Jensen (Phil); Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim);  
7 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;  
8 White

9 Excused:

10 Omdahl

11 So the bill having received an affirmative vote of a majority of the members-elect, the  
12 President declared the bill passed and the title was agreed to.

13 HB 1027: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding  
14 licensure of massage therapists.

15 Was read the second time.

16 The question being "Shall HB 1027 pass as amended?"

17 And the roll being called:

18 Yeas 34, Nays 0, Excused 1, Absent 0

19 Yeas:

20 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield  
21 (Brock); Hagggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);  
22 Jensen (Phil); Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim);  
23 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;  
24 White

25 Excused:

26 Omdahl

27 So the bill having received an affirmative vote of a majority of the members-elect, the  
28 President declared the bill passed and the title was agreed to.

1           **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

2           SB 85: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding  
3 motorcycle license plates.

4           Was read the second time.

5           The question being "Shall SB 85 pass as amended?"

6           And the roll being called:

7           Yeas 34, Nays 0, Excused 1, Absent 0

8           Yeas:

9 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield  
10 (Brock); Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);  
11 Jensen (Phil); Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim);  
12 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;  
13 White

14          Excused:

15 Omdahl

16          So the bill having received an affirmative vote of a majority of the members-elect, the  
17 President declared the bill passed and the title was agreed to.

18          SB 70: FOR AN ACT ENTITLED, An Act to require certain private cemeteries to file an  
19 annual financial report.

20          Was read the second time.

21 70sta

22          Sen. Peters moved that SB 70 be amended as follows:

23          On page 1, line 1, of the printed bill, delete "cemeteries" and insert "cemeteries".

24          Which motion prevailed.

25          The question being "Shall SB 70 pass as amended?"

26          And the roll being called:

27          Yeas 32, Nays 2, Excused 1, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield  
3 (Brock); Hagggar (Jenna); Haverly; Heineman (Phyllis); Holien; Hunhoff (Bernie); Jensen (Phil);  
4 Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg;  
5 Rusch; Shorma; Soholt; Solano; Tidemann; Tieszen; Van Gerpen; Vehle; White

6 Nays:

7 Heinert; Sutton

8 Excused:

9 Omdahl

10 So the bill having received an affirmative vote of a majority of the members-elect, the  
11 President declared the bill passed and the title was agreed to.

12 SB 103: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to transfer  
13 certain real property to South Dakota State University Growth Partnership, Ltd. For research  
14 park purposes.

15 Was read the second time.

16 The question being "Shall SB 103 pass?"

17 And the roll being called:

18 Yeas 34, Nays 0, Excused 1, Absent 0

19 Yeas:

20 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield  
21 (Brock); Hagggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);  
22 Jensen (Phil); Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim);  
23 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;  
24 White

25 Excused:

26 Omdahl

27 So the bill having received an affirmative vote of a majority of the members-elect, the  
28 President declared the bill passed and the title was agreed to.

29 SB 148: FOR AN ACT ENTITLED, An Act to authorize additional nursing facility beds  
30 for the Michael J. Fitzmaurice Veterans Home and to declare an emergency.

31 Was read the second time.

32 The question being "Shall SB 148 pass?"

1 And the roll being called:

2 Yeas 34, Nays 0, Excused 1, Absent 0

3 Yeas:

4 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield  
5 (Brock); Hagggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);  
6 Jensen (Phil); Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim);  
7 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;  
8 White

9 Excused:

10 Omdahl

11 So the bill having received an affirmative vote of a two-thirds majority of the  
12 members-elect, the President declared the bill passed and the title was agreed to.

13 SB 108: FOR AN ACT ENTITLED, An Act to require notice if certain immunizations  
14 contain more than trace amounts of mercury.

15 Was read the second time.

16 108ra

17 Sen. Parsley moved that SB 108 be amended as follows:

18 On page 1, line 9, of the printed bill, after "." insert "The Inactivated Injectable Influenza  
19 Consent Form issued by the Department of Health shall contain the following statement in the  
20 section containing the signature line for consent: "Some inactivated flu vaccines contain a very  
21 small amount of a mercury-based preservative called thimerosal. Studies have not shown  
22 thimerosal in vaccines to be harmful, but flu vaccines that do not contain thimerosal are  
23 available."".

24 Which motion prevailed.

25 The question being "Shall SB 108 pass as amended?"

26 And the roll being called:

27 Yeas 16, Nays 18, Excused 1, Absent 0

28 Yeas:

29 Bradford; Frerichs; Greenfield (Brock); Hagggar (Jenna); Heinert; Hunhoff (Bernie); Jensen  
30 (Phil); Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peterson (Jim); Sutton;  
31 Tidemann; Vehle

1 Nays:

2 Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Haverly; Heineman (Phyllis); Holien;  
3 Peters; Rampelberg; Rusch; Shorma; Soholt; Solano; Tieszen; Van Gerpen; White

4 Excused:

5 Omdahl

6 So the bill not having received an affirmative vote of a majority of the members-elect, the  
7 President declared the bill lost.

8 SB 5: FOR AN ACT ENTITLED, An Act to revise the procedure to initiate a school  
9 district boundary change.

10 Was read the second time.

11 5sd

12 Sen. Peters moved that SB 5 be amended as follows:

13 On page 8, after line 11 of the Senate Education Committee engrossed bill, insert:

14 " Section 11. That chapter 13-6 be amended by adding a NEW SECTION to read:

15 If a school district proposes to close a rural attendance center, any landowner who has  
16 students attending the attendance center that is proposed to be closed may petition the school  
17 board to transfer their land to an adjacent school district with a common boundary with the  
18 landowner. Notwithstanding any other provision of law, a decision by a school board to reject  
19 the petition, in total or in part, does not create a cause of action against the school district or  
20 school board, or constitute grounds for an appeal pursuant to § 13-46-1.

21 Section 12. That § 13-6-13 be amended to read:

22 13-6-13. The plan shall contain:

23 (1) A map or maps showing the boundaries of the proposed district or districts, the  
24 boundaries of the existing districts involved, the location of existing and proposed  
25 attendance centers and a description of the facilities, and the proposed school bus  
26 routes, if any;

27 (2) A legal description of the boundaries of the proposed district or districts;

28 (3) Estimates of the school age population within the proposed district or districts;

29 (4) The assessed valuation of all taxable property of each existing district and of the  
30 proposed district or districts;

- 1 (5) Outstanding general obligation bonds of any component district, funds in all school  
2 accounts and estimated receipts in all accounts in process of collection;
- 3 (6) If a joint district, the designation of the county of jurisdiction;
- 4 (7) The official name of the proposed district;
- 5 (8) A statement with regard to a proposed method of adjustment of assets and liabilities;
- 6 (9) The proposed number of school board members if a new entity is to be created;
- 7 (10) A description of the proposed educational program;
- 8 (11) A reasonably detailed budget showing estimated annual receipts and expenditures for  
9 the operation of the proposed district or districts;
- 10 (12) A statement recognizing any requests for minor boundary changes process for a  
11 landowner to request their land be transferred to another school district when their  
12 land is adjacent to a school district other than a school district involved in the  
13 reorganization;
- 14 (13) Such additional information as may be necessary to show compliance with the  
15 standards for school districts as adopted by the South Dakota Board of Education.

16 If the plan proposes the dissolution and annexation of a school district to one or more school  
17 districts, the school board of the receiving district, or districts, shall by resolution express their  
18 acceptance or rejection of all or part of the district to be dissolved as set forth in the proposed  
19 plan.

20 If the school boards of two or more school districts are developing a plan to consolidate, and  
21 two-thirds of the members of each affected school board agree, the plan may also include the  
22 provisions of an excess tax levy authorized in § 10-12-43 if an excess tax levy currently exists  
23 in one or more of the school districts. If the plan is approved by the voters, the proposed excess  
24 tax levy may be applied in the new consolidated school district. If a proposed excess tax levy  
25 is included in the plan, the plan shall state the amount of the proposed excess tax levy. The  
26 proposed excess tax levy may be applied for taxes payable in any of the five years following the  
27 date of reorganization. In addition, each school board involved in the development of the plan  
28 shall announce the inclusion of the proposed excess tax levy in the plan to the taxpayers in the  
29 manner set forth in § 10-12-43.

30 Section 13. That chapter 13-6 be amended by adding a NEW SECTION to read:

31 Notwithstanding any other provision of law, a decision by a school board to reject the  
32 request to transfer land submitted pursuant to subdivision 13-6-13(12), in total or in part, does  
33 not create any cause of action against the school district or school board, or constitute grounds  
34 for an appeal pursuant to § 13-46-1."



1 Which motion prevailed.

2 The question being "Shall SB 5 pass as amended?"

3 And the roll being called:

4 Yeas 33, Nays 1, Excused 1, Absent 0

5 Yeas:

6 Bradford; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield (Brock);  
7 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);  
8 Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg;  
9 Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

10 Nays:

11 Brown

12 Excused:

13 Omdahl

14 So the bill having received an affirmative vote of a majority of the members-elect, the  
15 President declared the bill passed and the title was agreed to.

16 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

17 HB 1101: FOR AN ACT ENTITLED, An Act to authorize municipalities to create  
18 programs to encourage housing development.

19 Was read the second time.

20 The question being "Shall HB 1101 pass as amended?"

21 And the roll being called:

22 Yeas 34, Nays 0, Excused 1, Absent 0

23 Yeas:

24 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield  
25 (Brock); Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);  
26 Jensen (Phil); Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim);  
27 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;  
28 White

29 Excused:

30 Omdahl

1 So the bill having received an affirmative vote of a majority of the members-elect, the  
2 President declared the bill passed and the title was agreed to.

3 HB 1033: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning  
4 elections and election petitions and to declare an emergency.

5 Was read the second time.

6 The question being "Shall HB 1033 pass?"

7 And the roll being called:

8 Yeas 32, Nays 2, Excused 1, Absent 0

9 Yeas:

10 Bradford; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield (Brock); Haggar (Jenna);  
11 Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Monroe;  
12 Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rusch;  
13 Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

14 Nays:

15 Brown; Buhl O'Donnell

16 Excused:

17 Omdahl

18 So the bill having received an affirmative vote of a two-thirds majority of the  
19 members-elect, the President declared the bill passed and the title was agreed to.

20 HB 1025: FOR AN ACT ENTITLED, An Act to place certain substances on the controlled  
21 substances schedule and to declare an emergency.

22 Was read the second time.

23 The question being "Shall HB 1025 pass?"

24 And the roll being called:

25 Yeas 34, Nays 0, Excused 1, Absent 0

26 Yeas:

27 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield  
28 (Brock); Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);  
29 Jensen (Phil); Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim);  
30 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;  
31 White

1       Excused:  
2       Omdahl

3       So the bill having received an affirmative vote of a two-thirds majority of the  
4       members-elect, the President declared the bill passed and the title was agreed to.

5       HB 1056: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the  
6       veterans' preference in employment.

7       Was read the second time.

8       The question being "Shall HB 1056 pass as amended?"

9       And the roll being called:

10       Yeas 32, Nays 1, Excused 2, Absent 0

11       Yeas:  
12       Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Fiegen; Frerichs; Greenfield (Brock);  
13       Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);  
14       Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg;  
15       Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Van Gerpen; Vehle; White

16       Nays:  
17       Tieszen

18       Excused:  
19       Curd; Omdahl

20       So the bill having received an affirmative vote of a majority of the members-elect, the  
21       President declared the bill passed and the title was agreed to.

22       HB 1063: FOR AN ACT ENTITLED, An Act to revise provisions regarding required  
23       notice of relocation of a minor child when a protection order is in place.

24       Was read the second time.

25       The question being "Shall HB 1063 pass?"

26       And the roll being called:

27       Yeas 33, Nays 0, Excused 2, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Fiegen; Frerichs; Greenfield (Brock);  
3 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);  
4 Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg;  
5 Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

6 Excused:

7 Curd; Omdahl

8 So the bill having received an affirmative vote of a majority of the members-elect, the  
9 President declared the bill passed and the title was agreed to.

10 Sen. Brown moved that HB 1098 be deferred to Wednesday, February 10<sup>th</sup>, the 19<sup>th</sup>  
11 legislative day.

12 Which motion prevailed.

13 **COMMEMORATIONS**

14 SC 7 Introduced by: Senators Parsley, Bradford, Brown, Buhl O'Donnell, Cammack,  
15 Fiegen, Frerichs, Greenfield (Brock), Heineman (Phyllis), Heinert, Holien, Hunhoff (Bernie),  
16 Jensen (Phil), Novstrup (David), Olson, Otten (Ernie), Peterson (Jim), Rusch, Shorma, Solano,  
17 Sutton, Tieszen, and Vehle and Representatives Ring, Bartling, Bordeaux, Brunner, Dryden,  
18 Feickert, Gibson, Harrison, Hawley, Jensen (Alex), Killer, Kirschman, McCleerey, Partridge,  
19 Romkema, Rounds, Rozum, Schrempp, Soli, Solum, and Wiik

20 A LEGISLATIVE COMMEMORATION, Commending and honoring the 2015 Habitat for  
21 Humanity--South Dakota Habitat Supporters of the Year.

22 WHEREAS, Habitat for Humanity--South Dakota recently celebrated the hard work and  
23 volunteerism of the eleven Habitat for Humanity affiliates throughout South Dakota by  
24 recognizing the work of the Habitat Supporters of the Year at the 2015 Fundraiser and  
25 Recognition Banquet; and

26 WHEREAS, Habitat for Humanity throughout South Dakota has achieved another milestone  
27 of the construction of the four hundred eighty-fifth Habitat home in South Dakota, which is  
28 made possible by the generosity of countless volunteers, as well as many hours of sweat equity  
29 contributed by the homeowner families; and

30 WHEREAS, it is fitting and proper that the South Dakota Legislature acknowledge the  
31 selfless work of these Habitat Supporters of the Year toward the goal of creating affordable  
32 housing and eliminating impoverished housing in South Dakota:

33 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninety-First Legislature of the  
34 State of South Dakota, that the following have all achieved the distinction of Habitat for  
35 Humanity Supporters of the Year for 2015 in South Dakota: the Leadership Aberdeen Class of

1 2015, Bill Campbell, Ellsworth Air Force Base, South Dakota, Brookings Family Selection  
2 Committee, Olivet Congregational, UCC of St. Paul, MN, Tom Chap, Mitchell Fusion Church,  
3 Bank West, Pierre Branch and the Board of Directors, LATI Building Trades Students and  
4 Instructors, Jim Schramm, Architect, and First Financial Bank USA of Dupree, South Dakota.

5 SC 8 Introduced by: Senators Parsley, Bradford, Brown, Buhl O'Donnell, Cammack,  
6 Ewing, Fiegen, Frerichs, Greenfield (Brock), Haggard (Jenna), Heineman (Phyllis), Heinert,  
7 Holien, Hunhoff (Bernie), Novstrup (David), Olson, Omdahl, Otten (Ernie), Peters, Peterson  
8 (Jim), Rampelberg, Rusch, Shorma, Soholt, Solano, Sutton, Tidemann, Tieszen, and Vehle and  
9 Representatives Wollmann, Anderson, Bartling, Bordeaux, Brunner, Dryden, Feickert, Gibson,  
10 Greenfield (Lana), Harrison, Hawks, Hawley, Heinemann (Leslie), Jensen (Alex), Kirschman,  
11 McCleerey, Partridge, Ring, Romkema, Rounds, Rozum, Schrempp, Soli, Solum, and Wiik

12 A LEGISLATIVE COMMEMORATION, Commending and honoring the 2015 Madison High  
13 School Bulldogs Football Team and the students and staff involved in the football program.

14 WHEREAS, in 2015 the Madison High School Bulldogs Football Team won the State 11A  
15 High School Football Championship by virtue of their outstanding character, teamwork, hard  
16 work, and dedication to the sport both on and off the field. Through these virtues the Madison  
17 High School Football Team successfully completed the season undefeated, with a 12-0 record,  
18 and defeated the West Central Trojans in the championship round with a score of 28-21; and

19 WHEREAS, the Bulldogs Football Team received superior coaching and outstanding  
20 leadership guidance from head coach Max Hodgen and assistant coaches Michael Ricke, Joe  
21 Bundy, Tom Nielsen, Darren Swenson, Zach Johnson, and Steve Gors; and

22 WHEREAS, the members of the 2015 State Champion Madison High School Football Team  
23 include Brady Balogh, Mason Leighton, Noah Guse, Jaxon Janke, Josh Giles, Doyle Brown,  
24 Jerett Lurz, Mitch Hansen, Dane Gunderson, Nic Comes, Jadon Janke, Matthew Palli, Brodie  
25 Frederiksen, Thomas Gors, Nolan Johnson, James Fuller, Riley Janke, Marcus VandenBosch,  
26 David Pimentel, Alexandre Lafitte, Jordan Pimentel, Caileb Reilly, Bear Shipley, Jakob  
27 Poppens, Matt Williams, Brady Nelson, Davis Mathison, Jon Ricke, Quentin McKinney, Lucas  
28 Maberry, Dylan Williams, Brad Hoff, Nick Wilt, Nick Andresen, Tyler DenHoed, Nate  
29 Guthmiller, Brandon Shaw, Cole Leighton, Tyler Hare, Taiten Leesch, Braxton Steffen, Austin  
30 Lohsandt, Seth Stafford, Hunter Koenig, Atobek Rahimshoev, Josh Bernard, Mason Lebeda,  
31 Brayden Gilbert, and Oakley Denne:

32 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninety-First Legislature of the  
33 State of South Dakota, that the Legislature commends the Madison High School Bulldogs  
34 Football Team for their athletic excellence in the 2015 football season.

1 SC 9 Introduced by: Senators Van Gerpen, Bradford, Brown, Buhl O'Donnell, Cammack,  
2 Curd, Ewing, Fiegen, Frerichs, Greenfield (Brock), Hagggar (Jenna), Haverly, Heineman  
3 (Phyllis), Heinert, Holien, Hunhoff (Bernie), Jensen (Phil), Monroe, Novstrup (David), Olson,  
4 Omdahl, Otten (Ernie), Parsley, Peters, Peterson (Jim), Rampelberg, Rusch, Shorma, Soholt,  
5 Solano, Sutton, Tidemann, Tieszen, Vehle, and White and Representatives Schoenfish, Beal,  
6 Bolin, Conzet, Craig, Deutsch, DiSanto, Dryden, Gibson, Gosch, Greenfield (Lana), Hagggar  
7 (Don), Harrison, Hawks, Heinemann (Leslie), Holmes, Hunhoff (Jean), Johns, Kirschman,  
8 Langer, Marty, May, McCleerey, Mickelson, Munsterman, Novstrup (Al), Partridge, Peterson  
9 (Kent), Qualm, Rasmussen, Ring, Romkema, Rozum, Russell, Schoenbeck, Sly, Soli, Solum,  
10 Stalzer, Steinhauer, Stevens, Tulson, Verchio, Wiik, Willadsen, Wollmann, and Zikmund

11 A LEGISLATIVE COMMEMORATION, Honoring the South Dakota Health Care Association  
12 on the occasion of its sixty-fifth anniversary.

13 WHEREAS, South Dakotans must always remember that there are many citizens who are  
14 in or are entering the most vulnerable period of their lives, and these men, women, and children  
15 of different ages and disabilities need long-term care services to continue to live the most  
16 meaningful lives possible; and

17 WHEREAS, the South Dakota Health Care Association continues the important tradition  
18 of educating individuals, families, and community leaders of the importance of talking about  
19 and planning for long-term care services so that we can better help South Dakota's elderly and  
20 persons with disabilities live productive and active lives; and

21 WHEREAS, the South Dakota Health Care Association, in observance of its sixty-fifth  
22 anniversary, remains committed to supporting long-term care providers in providing the finest  
23 care possible for South Dakota's elderly and disabled residents; and

24 WHEREAS, this year's South Dakota Health Care Association's board of directors are  
25 president Daryl Reinicke, Rapid City; president-elect Laura Wilson, Marion; secretary Scott  
26 Buchanan, Sioux Falls; treasurer Darla Van Rosendale, Sioux Falls; non-proprietary  
27 independent representatives Julie Ramey, Scotland, and Jared Degen, Rapid City; proprietary  
28 representatives Tatiana Johnson, Rapid City, and Marty Davis, Black Hawk; assisted living  
29 representative Alecia O'Neill, Sioux Falls; and immediate past-president Loren Diekman,  
30 Watertown:

31 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninety-First Legislature of the  
32 State of South Dakota, that the Legislature congratulates the South Dakota Health Care  
33 Association on sixty-five years of service on behalf of South Dakota's elderly and disabled  
34 citizens.

1 SC 10 Introduced by: Senators Buhl O'Donnell, Bradford, Brown, Cammack, Ewing,  
2 Fiegen, Frerichs, Greenfield (Brock), Haverly, Heineman (Phyllis), Heinert, Holien, Hunhoff  
3 (Bernie), Novstrup (David), Olson, Parsley, Peters, Peterson (Jim), Rusch, Shorma, Sutton,  
4 Tieszen, and Vehle and Representatives Killer, Anderson, Bartling, Beal, Bordeaux, Brunner,  
5 Craig, Deutsch, Dryden, Duvall, Feickert, Gibson, Greenfield (Lana), Harrison, Hawks, Hawley,  
6 Heinemann (Leslie), Holmes, Hunhoff (Jean), Hunt, Jensen (Alex), Johns, Kirschman, Klumb,  
7 McCleerey, Munsterman, Novstrup (Al), Peterson (Kent), Qualm, Rasmussen, Ring, Romkema,  
8 Rounds, Rozum, Schoenfish, Schrempp, Sly, Soli, Solum, Stalzer, Steinhauer, Tulson, Werner,  
9 Willadsen, Wollmann, and Zikmund

10 A LEGISLATIVE COMMEMORATION, Recognizing and honoring the South Dakota Arts  
11 Council on its fiftieth anniversary of serving South Dakotans and our communities through  
12 the arts.

13 WHEREAS, the South Dakota Arts Council was established in 1966 by the state Legislature  
14 to coordinate the development of the arts through public awareness, arts education programs,  
15 access and inclusion, cultural tourism, grants and services, and to act as the steward of the state's  
16 federal appropriation from the National Endowment for the Arts; and

17 WHEREAS, the purpose of the Council is to make quality arts accessible throughout the  
18 state by providing encouragement, grants, services, and information to artists, arts organizations,  
19 and schools. The presence of a strong state arts agency ensures that all communities, regardless  
20 of their geographic location, political affiliation, or economic status, are equitably served; and

21 WHEREAS, arts organizations contribute to vibrant, progressive communities offering a  
22 climate appealing to businesses, investors, residents, and travelers, and the arts play an essential  
23 role in cultural tourism. A greater public awareness of the value of the arts encourages  
24 investments in the arts, catalyzing tax revenues, public and private support and investment, and  
25 entrepreneurial business practices; and

26 WHEREAS, the South Dakota Arts Council has demonstrated accountability by adhering  
27 to the highest management and accountability standards and leveraging federal dollars to  
28 address the needs and goals of the statewide arts community. The Council moves forward with  
29 new momentum to broaden appreciation for the arts, help revive schools and communities,  
30 connect with, and through, the people, and enhance the quality of life in South Dakota:

31 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninety-First Legislature of the  
32 State of South Dakota, that the Legislature recognizes that universal access to the arts is intrinsic  
33 to the well-being of all South Dakotans and artists are central to the creative environment of  
34 South Dakota and commends the South Dakota Arts Council for its dedication to serving the  
35 best interests of South Dakota communities and citizens through the arts for the past fifty years.

36 Sen. Rempelberg moved that the Senate do now adjourn, which motion prevailed and at  
37 4:04 p.m. the Senate adjourned.

38 Kay Johnson, Secretary

